

billiard table, and to make it unlawful for such person to permit games to be

The power conferred by the statute is not to be construed in the city, as stated in the contest, municipal corporations have no powers except those granted by the legislature. The statute is not a cloak, and is not to determine what they may do, but to determine the limits of their power, from a legal construction of the statute, and the import of the words used.

Authority is undoubtedly given by the act to the city council to license, to tax, to regulate, to prohibit, to restrict, to suspend, or to revoke. Do these two ordinances do either or any of these things? Neither do. The ordinance does not give the owner or keeper of a billiard table, nor to the use of a billiard table. The power is given to license, to tax, to regulate, to prohibit, to restrict, to suspend, or to revoke, it is only the simple mark of power to license, etc., a billiard table. No power is given to prohibit, to restrict, or to keep, or to regulate the owner or person in charge, and an ordinance to the effect of these things applies only to the person in charge, and the ordinance in question might just as well be contended that under section 43 of the charter, where the city is authorized to license, to tax, to regulate, to prohibit, to license, tax, regulate, to prohibit, to suppress lawbreakers and peddlers, and to regulate the business of the employment of such lawbreakers and peddlers, any one, was within the powers granted by the section, or that a person who employed a lawbreaker, or a peddler, or a person who would have to take out a license be-

fore he make the employment. The language of the charter is directed to the gaming, the billiard table, it is the subject of the legislation, and not the owner or keeper. The language of the ordinance is directed to the owner or person, and keeper, and not to the table, and I fail to find any power to impose a license and tax, or a power to regulate such owner etc. By reference to the statutes of other states and of the United States, it will be observed that the almost universal rule adopted where the object is to license

regulate billiard tables, is to impose the obligation of taking out a license, or the duty of observing restrictions upon the person or persons owning and in charge of the tables. The license, if granted, is granted by the Legislature, the usual form of legislation has not been followed, I saw fit to impose the license, etc., upon the table, and we must take the law as we find it. It is true, and may be said, that the table being an inanimate thing cannot be licensed or regulated, and we can only way to get at the intention of the Legislature, is to impose the obligation of obtaining the license, etc., upon the keeper of the billiard hall. But that is the intention of the Legislature to require the owner and keeper to take out the license.

We might, by the interpolation of the words "the use of" into the statute, give it that meaning, and so might the Legislature. Courts are not permitted to supply omissions in legislation. When passing upon statutes they are to take them as they find them, giving full effect and applying no more force to the language used than the subject warrants. Hence under this section 9 it is not possible to license and regulate, it is possible to tax and suppress, and to this extent the courts were granted it can be used, and to that extent only does it confer authority upon the City Council.

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